



**NOTICE OF REMOVAL OF DEFENDANTS LAMAR T. SAMUELS, PURDY  
BROTHERS TRUCKING, LLC, P&S TRANSPORTATION, LLC AND P&S  
INSURANCE RISK RETENTION GROUP, INC.**

Lamar T. Samuels, Purdy Brothers Trucking, LLC, P&S Transportation, LLC and P&S Insurance Risk Retention Group, Inc., Defendants in two (2) consolidated actions instituted in the Court of Common Pleas, Preble County, Ohio, Case Nos. 21CV032295 and 21CV032297, now come before this Court upon this Notice of Removal pursuant to 28 U.S.C. §1441 and 28 U.S.C. §1446, and respectfully show that:

1. An action was commenced by Plaintiff Timothy W. Jenkins by filing a Complaint in the Court of Common Pleas, Preble County, Ohio on July 21, 2021, entitled: *Timothy W. Jenkins v. Lamar Samuels, et al.*, Case No. 21CV032297 (hereinafter referred to as “the Bodily Injury Action”). A copy of Plaintiff Jenkins’ Complaint is attached hereto as Exhibit “A.”

2. Service of Plaintiff’s Complaint in the Bodily Injury Action was perfected upon Defendant P&S Transportation, LLC on July 30, 2021. Service of Plaintiff’s Complaint in the Bodily Injury Action remains pending against the other Defendants, namely Lamar T. Samuels, Purdy Brothers Trucking, LLC and P&S Insurance Risk Retention Group, Inc.

3. Lamar T. Samuels and Purdy Brothers Trucking, LLC also were named as Defendants in an action commenced by Plaintiff Erie Insurance Exchange (hereinafter referred to as “Erie”), by filing a Complaint in the Court of Common Pleas, Preble County, Ohio on July 21, 2021, entitled: *Erie Insurance Exchange v. Lamar T. Samuels, et al.*, Case No. 21CV032295 (hereinafter referred to as “the Subrogation Action”). A copy of Plaintiff Erie’s Complaint is attached hereto as Exhibit “B.”

4. Service of Plaintiff's Complaint in the Subrogation Action was perfected upon Defendant Purdy Brothers Trucking, LLC on July 27, 2021. Service of Plaintiff's Complaint in the Subrogation Action remains pending against Defendant Lamar T. Samuels.

5. On August 17, 2021, Defendants filed joint Answers to these respective Complaints. Copies of said Answers are attached hereto as Exhibits "C" and "D," respectively.

6. On August 18, 2021, the above-named Defendants filed a Motion to Consolidate the Bodily Injury Action and the Subrogation Action on the grounds that they involve common questions of fact and law, as they arise from an automobile accident that occurred in Preble County, Ohio, on July 22, 2019. A copy of said Motion to Consolidate is attached hereto as Exhibit "E."

7. On August 23, 2021, the Court of Common Pleas, Preble County, issued an Entry of Consolidation of Cases. A copy of said Entry of Consolidation of Cases is attached hereto as Exhibit "F."

8. This removal is timely pursuant to 28 U.S.C. §1446(b), because Defendant P&S Transportation, LLC was served with the Complaint in the Bodily Injury Action on July 30, 2021, and Defendant Purdy Brothers Trucking, LLC was served with the Complaint in the Subrogation Action on July 27, 2021.

9. Plaintiff Timothy W. Jenkins is a resident of the State of Indiana. Plaintiff Erie is organized under the laws of, and maintains its principal place of business in, the Commonwealth of Pennsylvania.

10. Defendant Lamar T. Samuels is a resident of the State of Massachusetts; Defendant Purdy Brothers Trucking, LLC is incorporated under the laws of the State of Delaware, and maintains its principal place of business in Tennessee; Defendant P&S Transportation, LLC is incorporated under the laws of the State of Alabama, and maintains its principal place of business

in Alabama; and Defendant P&S Insurance Risk Retention Group, Inc. is incorporated under the laws of the State of South Carolina, and maintains its principal place of business in South Carolina.

11. The Plaintiffs and Defendants in these consolidated cases are completely diverse in regard to residence.

12. Plaintiff Timothy W. Jenkins has alleged in his Complaint that he incurred damages in excess of \$25,000.00. His alleged damages include past and future medical, doctor, hospital and drug expenses; past and future loss of earnings, and impaired earning capacity; past and future physical and emotional pain and suffering; and permanent damage stemming from injuries to his nervous system. Additionally, Plaintiff Erie has alleged in its Complaint that it incurred damages in the amount of \$3,393.94 in medpay benefits paid on behalf of Plaintiff Jenkins, and it expects to make future payments with respect to Plaintiff Jenkins' medpay benefits.

13. If the claims as alleged by the Plaintiffs are proven, the amount of potential damages will exceed seventy-five thousand dollars (\$75,000.00), exclusive of costs and interest.

14. As stated above, both the Bodily Injury Action and the Subrogation Action, now consolidated, are civil actions arising from an automobile accident that occurred in Preble County, Ohio, on July 22, 2019.

15. Accordingly, and based upon the above, diversity of citizenship is complete, and the amount in controversy exceeds the sum of seventy-five thousand dollars (\$75,000.00), exclusive of interest and costs. As such, the District Courts of the United States have original jurisdiction over this matter pursuant to 28 U.S.C. §1332. The subject action therefore may be removed from State Court to this Court, pursuant to 28 U.S.C. §1441(a).

**WHEREFORE**, Petitioners and Defendants Lamar T. Samuels, Purdy Brothers Trucking, LLC, P&S Transportation, LLC and P&S Insurance Risk Retention Group, Inc., pray that the

consolidated Actions now pending against them in the Court of Common Pleas of Preble County, Ohio, Case Nos. 21CV032295 and 21CV032297, be removed therefrom to this Court.

Respectfully submitted,

JURCA & LASHUK, LLC

Dated: August 24, 2021

/s/ Beth Anne Lashuk

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Brothers Trucking, LLC, P&S Transportation, LLC  
and P&S Insurance Risk Retention Group, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that the foregoing was sent via the Court's electronic filing system, this 24<sup>th</sup> day of August, 2021 to the following:

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/s/ Beth Anne Lashuk  
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